

**SUBSTITUTE FOR
HOUSE BILL NO. 4686**

A bill to amend 1973 PA 196, entitled
"An act to prescribe standards of conduct for public officers and
employees; to create a state board of ethics and prescribe its
powers and duties; and to prescribe remedies and penalties,"
by amending sections 5 and 6 (MCL 15.345 and 15.346).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The board shall **do all of the following:**
2 (a) Receive complaints concerning alleged unethical conduct by
3 a public officer or employee from any person or entity, inquire
4 into the circumstances surrounding the alleged unethical conduct,
5 and make recommendations concerning individual cases to the
6 appointing authority with supervisory responsibility for the person
7 whose activities have been investigated. All departments of state

1 government shall cooperate with the board of ethics in the conduct
2 of its investigations.

3 (b) Initiate investigations of practices that could affect
4 ethical conduct of a public officer or employee.

5 (c) Hold public hearings.

6 (d) Administer oaths and receive sworn testimony.

7 (e) Issue and publish advisory opinions upon request from a
8 public officer or employee or ~~their~~**the public officer's or**
9 **employee's** appointing or supervisory authority relating to matters
10 affecting ethical conduct of a public officer or employee.

11 (f) **Perform the duties prescribed to it under the state**
12 **officer financial disclosure act.**

13 (2) In the issuance of investigative reports and
14 recommendations and advisory opinions, the board shall be advised
15 as to legal matters by the attorney general.

16 (3) ~~When~~**If the board makes** a recommendation to an appointing
17 authority ~~is made by the board which~~**that** affects a classified
18 employee, the appointing authority shall initiate appropriate
19 proceedings in accordance with ~~such~~**the** recommendation and pursuant
20 to the rules of the civil service commission.

21 (4) ~~When~~**If the board makes** a recommendation to an appointing
22 authority ~~is made by the board concerning~~**that affects** an
23 unclassified employee or appointee, the appointing authority shall
24 take appropriate disciplinary action, which may include dismissal.

25 Sec. 6. The board may promulgate rules governing its own
26 procedures pursuant to ~~Act No. 306 of the Public Acts of 1969, as~~
27 ~~amended, being sections 24.201 to 24.315 of the Michigan Compiled~~
28 ~~Laws. For a period of 1 year following the effective date of this~~
29 ~~act the board shall have full authority to exercise all of its~~

1 ~~functions in accordance with temporary rules of procedure~~
 2 ~~promulgated by the board. Both the temporary and permanent~~ **the**
 3 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
 4 **24.328. The** rules of the board shall provide ~~that:~~ **for all of the**
 5 **following:**

6 (a) The board may request the attendance of any witness whose
 7 testimony, ~~in the judgment of~~ **as determined by** the board, will aid
 8 in the conduct of its investigations.

9 (b) A person appearing before the board shall submit ~~either~~
 10 sworn or unsworn testimony, as **determined by** the board, ~~may decide~~
 11 and may at all times be represented and accompanied by counsel.

12 (c) A record of testimony taken before the board or a hearing
 13 officer designated by it ~~shall~~ **must** be made in the manner
 14 prescribed by the board.

15 (d) **Except as otherwise provided in this subdivision, a**
 16 **meeting or hearing held by the board must be open to the public.**
 17 The board may ~~, when it appears necessary for the protection of~~
 18 ~~individual rights, hold its meetings and hearings~~ **a meeting or**
 19 **hearing** in private ~~. All other meetings and hearings shall be open~~
 20 ~~to the public.~~ **under either of the following circumstances.**

21 (i) **If it appears necessary for the protection of individual**
 22 **rights.**

23 (ii) **If the board is performing its duties as described in**
 24 **section 5(1)(f).**

25 Enacting section 1. This amendatory act takes effect January
 26 1, 2023.

27 Enacting section 2. This amendatory act does not take effect
 28 unless House Bill No. 4685 of the 101st Legislature is enacted into
 29 law.